APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,259	08/20/2004	Seppo Vesterinen	059643.00481	3815

32294   7590   06/12/2008
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
CHU, WUTCHUNG

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 May 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12 and 14-38</u> is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-12 and 14-38</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All   b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

5/19/2008 has been entered.

2.   This communication is in response to application's amendment filed on

5/19/2008. Claims 1-12 and 14-38 are pending. Claims 23-38 are newly added.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-12, 14-15 and 17-38 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sharp (US6694471).

Regarding claim 1, Sharp discloses a system and method for periodic

retransmission of messages **(see col. 1 lines 30-47)** comprising:

- Wherein at least two of the entities **(see figure 2 and figure 3 stream identifier)** are configured to use stream control transmission protocol **(see col. 1 lines 52-53)** for signaling therebetween **(see col. 3 lines 7-10 and figure 1)**,

- Wherein the stream control transmission protocol signaling comprises a source port number, a destination port number, data, and connection identity information relating to a connection between at least two of the entities **(see col. 4 lines 26-35 and figures 1-3)**, and

- Wherein the connection identity information **(see col. 4 lines 29-40)** identifies the ultimate destination of the data **(see col. 2 line 62 to col. 3 line 3 and col. 4 line 64- col. 5 line 2 and figure 1 where signaling message is communicated from a source to a destination)**.

Regarding claims 2 and 23, Sharp teaches the connection identity information comprises address information **(see figure 2 col. 4 lines 26-35)**.

Regarding claims 3 and 24, Sharp teaches the address information identifies at least one other further entity **(see figure 1 box 12 might by user terminal or server)**.

Regarding claims 4 and 25, Sharp teaches the connection identity information comprises information identifying an application **(SCTP is like TCP connection oriented protocol, and maintain connection (relationship) during communication col. 3 lines 53-58 and col. 240-68)**.

Regarding claims 5 and 26, Sharp teaches the connection identity information identifies a connection flow **(see col. 2 lines 40-68 and figures 1 and 2)**.

Regarding claims 6 and 27, Sharp teaches the connection identity information is provided in an stream control transmission protocol packet **(see figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35)**.

Regarding claims 7 and 28, Sharp teaches the connection identity information **(see figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35)** is provided in the data chunk part of the stream control transmission protocol packet **(see figure 2 and 3)**.

Regarding claims 8 and 29, Sharp teaches the connection identity information **(see figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35)** is providded in a payload protocol identifier field **(see figure 3 box 88)**.

Regarding claims 9 and 30, Sharp teaches the connection identity information **(see figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35)** is provided in a field between a stream sequence number field and user data **(see figure 3 item 84 and 86 stream identifier and stream sequence number respectively)**.

Regarding claims 10 and 31, Sharp teaches the connection identity information is provided in a header for the stream control transmission protocol packet **(see figure 2 item 52 is header)**.

Regarding claims 11 and 32, Sharp teaches the address information is provided in a separate field in said stream control transmission protocol packet **(see figure 2 source and destination port number)**.

Regarding claims 12 and 33, Sharp teaches the at least one of the two entities

is arranged to provide further address information relating to at least one of the two

entities **(see figure 2 source entity and destination entity by their port number)**.

Regarding claims 13 and 34, Sharp teaches the at least one of said two entities

comprises transmission unit configured to send and/or receive stream control

transmission protocol packets to and/or from the other of said two entities **(see figure 1**

and 2 two different user terminal or server).

Regarding claims 14 and 35, Sharp teaches the at least one of said two entities

comprises a set up unit configured to set up stream control transmission protocol

associations **(see col. 4 lines 27-35 and figure 2)**.

Regarding claims 15 and 36, Sharp teaches the at least one of said two entities

comprises a receiving unit configured to receive status information relating to stream

control transmission protocol associations **(see col. 4 line 63 to col. 5 line 5, sending**

acknowledgement to sender to confirm receiving status).

Regarding claims 17 and 37, Sharp teaches the at least one of said two entities

comprises an adding unit configured to add the connection identity information of said

further entity to a stream control transmission protocol packet **(see figure 2 source and**

destination information).

Regarding claim 18, Sharp teaches the further entity comprises at least one of

the following: user terminal, user, group of users, service, network, or part of network,

server, or cell or base transceiver station **(see user terminal in figure 1 item 12)**.

Regarding claim 19, Sharp teaches the one of said entities is one of the

following:

- base station; controller; radio network controller; core network; radio

  network access server; gateway or server **(see figure 1 consider server**

  1 on LHS box 12)

- and wherein the other of said entities is one of the following:

- base station; controller; radio network controller; core network; radio

  network access server; gateway or server **(see figure 1 consider server**

  2 on RHS box 12).

Regarding claim 20, Sharp teaches a method for use in an internet protocol

based system comprising a plurality of entities **(see col. 1 lines 30-47)**, the method

comprising the steps of:

- sending stream control transmission protocol transport signalling

  information between two of said entities **(see figure 2 and figure 3**

  stream identifier and col. 3 lines 7-10),

- wherein the stream control transmission protocol signalling information

  comprising a source port number, a destination port number, data, and

  connection identity information relating to a connection between said two

  entities **(see col. 4 lines 26-35 and figures 1-3)**, and

- Wherein the connection identity information identifies **(see col. 4 lines 29-40)** the ultimate destination of the data **(see col. 2 line 62 to col. 3 line 3 and col. 4 line 64- col. 5 line 2 and figure 1 where signaling message is communicated from a source to a destination)**.

Regarding claim 21, Sharp teaches an entity for use in a internet protocol based system, the entity comprising

- a transmission unit configured to send to another entity **(see figure 2 and figure 3 stream identifier)** an stream control transmission protocol **(see col. 1 lines 52-53)** transport packet **(see col. 3 lines 7-10 and figure 1)**,

- wherein the entity is configured to include in said packet a source port number, a destination port number, data, and connection identity information relating to a connection between at least two of said entities **(see col. 4 lines 26-35 and figures 1-3)**, and

- Wherein the connection identity information identifies **(see col. 4 lines 29-40)** the ultimate destination of the data **(see col. 2 line 62 to col. 3 line 3 and col. 4 line 64- col. 5 line 2 and figure 1 where signaling message is communicated from a source to a destination)**.

Regarding claim 22, Sharp teaches an entity for use in a internet protocol based system, the entity comprising:

- Means for sending to another entity **(see figure 2 and figure 3 stream identifier)** a stream control transmission protocol **(see col. 1 lines 52-53)** transport packet **(see col. 3 lines 7-10 and figure 1)**,

- Wherein the entity is configured to include in the packet a source port number, a destination port number, data, and connection identity information relating to a connection between the entity and the another entity **(see col. 4 lines 26-35 and figures 1-3)**, and

- Wherein the connection identity information **(see col. 4 lines 29-40)** identities the ultimate destination of the data **(see col. 2 line 62 to col. 3 line 3 and col. 4 line 64- col. 5 line 2 and figure 1 where signaling message is communicated from a source to a destination)**.

Regarding claim 38, Sharp discloses a system and method for periodic retransmission of messages **(see col. 1 lines 30-47 and col. 3 line 6 software)** comprising:

- Sending stream control transmission protocol transport signaling information from an entity to another entity **(see col. 3 lines 21-56 and figure 2 and figure 3 stream identifier and col. 3 lines 7-10 and figure 1)**

- Wherein the stream control transmission protocol signaling comprises a source port number, a destination port number, data, and connection

identity information relating to a connection between at least two of the

entities **(see col. 4 lines 26-35 and figures 1-3)**, and

- Wherein the connection identity information **(see col. 4 lines 29-40)**

   identifies the ultimate destination of the data **(see col. 2 line 62 to col. 3**

   line 3 and col. 4 line 64- col. 5 line 2 and figure 1 where signaling

   message is communicated from a source to a destination).

Claim Rejections - 35 USC § 103

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1.   Determining the scope and contents of the prior art.
   2.   Ascertaining the differences between the prior art and the claims at issue.
   3.   Resolving the level of ordinary skill in the pertinent art.
   4.   Considering objective evidence present in the application indicating
           obviousness or nonobviousness.

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp in

view of Willars (US2001/005145).

      Regarding claim 16, Sharp teaches most of limitations as applied to claim 1

above. Sharp does not teach a forwarding unit configured to forward stream control

transmission protocol packets to a radio network layer in dependence on said

connection identity information.

Willars from the same or similar fields of endeavor teaches the use of forwarding

SCTP packet to a radio network layer in dependence in the connection identity

information of further entity **(see figure 5a and 5b, item 88 SCTP is used for**

transporting the signaling over IP network and paragraph 90 ATM connection

signaling initiator node initiates the application initiating procedure by sending

an initiating application message to the other node. in response, the IP-based

node returns an initiation response message. the initiation response message

includes an address for the node and a SUGP value as a binding identification.

The connection endpoint ID of node can be used as the SUGR in the q.all2

messages). Thus, it would have been obvious to one of ordinary skill in the art at the

time of the invention to use the SCTP for transporting the signaling over IP network from

Willars in the system and method for periodic retransmission of messages of Sharp in

order to preserve general architecture and principle of 3GPP UTRAN R99 and minimal

impact on application later protocol **(see Willars item# 0147)**.

Response to Arguments

8.   Applicant's arguments filed 5/19/2008 have been fully considered but they are

not persuasive.

9.   **With regard to applicant's remark for claims 1, 21, 22, 20, and 38 (pages 13-**

15), applicant submits that Sharp fails to disclose "the connection identity information

identifies the ultimate destination of the data". Sharp in col. 4 line 29-40 disclose

SCTP packet 50 includes a common header 52 and one or more chunks 54. Common

header 52 includes a source port number 56 and a destination port number 58 to allow

multiplexing of different SCTP associations at the same IP address, a verification tag 60

to validate the source of packet 50, and a checksum 62 used for end-to-end error

detection. Each chunk 54 includes a chunk type field 64, a flag field 66, a chunk length

field 68, and a chunk value 70. Each chunk 54 may include either user application data

or SCTP control information. As is described below, the type and format of the data

included as chunk value 70 depends on the chunk type.

Where this SCTP control information allows signaling message is communicated from a

source to a destination in col. 4 line 64- col. 5 line 2. thus this SCTP control information

allows message communication between source and destination, and rejection

respectfully remains.

10.   **With regard to applicant's remark for claim 16 (pages 17)**, applicant submits

that Willars does not remedy the "forwarding SCTP packet to a radio network layer in

dependence in the connection identity information of further entity". Willars, in

paragraph 90, teaches SCTP is used for transporting the signaling over IP network and

paragraph 90 ATM connection signaling initiator node initiates the application initiating

procedure by sending an initiating application message to the other node. in response,

the IP-based node returns an initiation response message. the initiation response

message includes an address for the node and a SUGP value as a binding

identification. The connection endpoint ID of node can be used as the SUGR in the

q.all2 messages. And this CEID, corresponds to connection identity information, allows

communication over radio network layer, therefore meets the limitation and rejection respectfully remains.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turina (US20020075900); Walker (US20030193696)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WUTCHUNG CHU whose telephone number is (571)270-1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571 272 7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WC/
Wutchung Chu

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619